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7 **IN THE SUPERIOR COURT OF THE STATE OF ARIZONA**  
8 **IN AND FOR THE COUNTY OF MARICOPA**

9  
10 **STATE OF ARIZONA,**

11 *Plaintiff,*

12 **vs.**

13 **YURIKINO CENIT ("YURI")**  
**DOWNING (001),**

14 *Defendant.*  
15  
16

No. \_\_\_\_\_

**INDICTMENT -- 55 SGJ 21**

**CHARGING VIOLATIONS OF:**

**COUNT 1: Fraudulent Scheme and Artifice,**  
**A.R.S. §13-2310, a Class 2 Felony;**

**COUNTS 2-5: Perjury,**  
**A.R.S. §13-2702(A)(1), Class 4 Felonies;**

**COUNT 6: Theft,**  
**A.R.S. §13-1802(A)(2), a Class 4 felony.**

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18 The Arizona State Grand Jury accuses **YURIKINO CENIT ("YURI") DOWNING (001)**,  
19 charging on this 14th day of July, 2004, that in Maricopa County, Arizona:  
20

21 **COUNT 1**

22 **(FRAUDULENT SCHEME AND ARTIFICE)**

23 On or about the dates between June 1, 2002, and January 1, 2003, Defendant **YURIKINO**  
24 **CENIT ("YURI") DOWNING (001)**, pursuant to a scheme or artifice to defraud, knowingly  
25 obtained benefits by means of false or fraudulent pretenses, representations, promises, or material  
26 omissions.

27 Said conduct occurred when Defendant **YURIKINO CENIT ("YURI") DOWNING (001)**,  
28 as a candidate for public office and as Treasurer of two other candidates' campaigns for public  
office, obtained control of over \$100,000 in public funds that were distributed to those campaigns

1 pursuant to the Citizens Clean Elections Act. In order to obtain control of those funds, Defendant  
2 **YURIKINO CENIT ("YURI") DOWNING (001)**, promised and agreed, among other things,  
3 that he would use those funds for direct campaign purposes only and that he would comply with all  
4 requirements of the Clean Elections Act and all rules of the Clean Elections Commission. As  
5 Defendant **YURIKINO CENIT ("YURI") DOWNING (001)** knew when he made those  
6 promises and agreements, he would -- and he did -- materially and persistently breach those  
7 promises and agreements, from the time he spent the first of those funds (in September 2002, by  
8 converting \$5,000 to "petty cash") until he spent the last of those funds (in December 2002, by  
9 paying himself \$111.68 to "zero out" his campaign account).

10 In violation of A.R.S. §§13-2310(A), 13-702, 13-301, 13-302, 13-303, and 13-304.

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12 **COUNT 2**

13 **(PERJURY)**

14 On or about June 18, 2002, Defendant **YURIKINO CENIT ("YURI") DOWNING** made a  
15 false sworn statement in regard to a material matter, believing it to be false.

16 Said conduct occurred when Defendant **YURIKINO CENIT ("YURI") DOWNING**, in  
17 order to obtain control of what would eventually amount to over \$41,000 in Citizens Clean  
18 Elections Act funding for his 2002 campaign for State Senate from District 17, filed with the  
19 Arizona Secretary of State an "Application for Certification as a Participating Candidate" in which  
20 he certified, upon his oath and under penalty of perjury, that certain statements therein were true  
21 and accurate -- and he then believed that several of those statements were false and inaccurate,  
22 including the following: "I agree to use all Clean Election funding for direct campaign purposes  
23 only;" and, "I will comply with all requirements of the Act and Commission rules."

24 In violation of A.R.S. §§13-2702(A)(1), 13-702, 13-301, 13-302, 13-303, and 13-304.

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COUNT 5

(PERJURY)

On or about December 12, 2002, Defendant YURIKINO CENIT ("YURI") DOWNING made a false sworn statement in regard to a material matter, believing it to be false.

Said conduct occurred when Defendant YURIKINO CENIT ("YURI") DOWNING filed with the Arizona Secretary of State a Campaign Finance Report for the Post-General Election Period (October 17, 2002 to November 25, 2002), in which he certified "under penalty of perjury, that I have examined the contents of this campaign finance report and to the best of my knowledge and belief it is true and complete" -- and he then believed that said report was untrue and incomplete in material respects, for he knew that it failed to disclose the following expenditures of Clean Elections funding by Defendant YURIKINO CENIT ("YURI") DOWNING:

Date	Amount	Debit Card Payee	Date	Amount	Debit Card Payee
10/21	\$216.45	RA Sushi	11/29	\$11.07	Chevron
10/25	\$300.00	ATM Cash	11/29	\$10.01	Furio
10/31	\$30.00	Acme Bar & Grill	12/03	\$20.00	Mercury Bar
10/30	\$200.00	ATM Cash	12/03	\$35.46	Mickey's Hangover
11/06	\$282.40	Bravo Bistro	12/02	\$300.00	ATM Cash
11/12	\$64.25	Sanctuary	12/03	\$83.21	Cox Phoenix
11/12	\$26.60	First Watch	12/03	\$48.01	Soho Bar
11/12	\$200.00	ATM Cash	12/03	\$28.05	Casey Moores
11/13	\$200.00	ATM Cash	12/03	\$12.00	Six
11/26	\$46.56	El Torito	12/04	\$100.00	Next Restaurant
11/26	\$21.54	Chevron	12/04	\$57.00	Next Restaurant
11/26	\$26.00	Cat Eye Lounge	12/16	\$29.95	Live Support, Inc.
11/26	\$12.41	Chevron	12/26	\$111.68	Check to "Yuri Downing" to "zero out" the Downing 2002 account.

In violation of A.R.S. §13-2702(A)(1), 13-702, 13-301, 13-302, 13-303, and 13-304.

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COUNT 6

(THEFT)

On or about the dates between October 21, 2002, and December 26, 2002, Defendant YURIKINO CENIT ("YURI") DOWNING, without lawful authority, knowingly converted for an unauthorized use property that had been entrusted to him or placed in his possession for a limited, authorized use.

This conduct occurred when Defendant YURIKINO CENIT ("YURI") DOWNING, who was authorized to use Clean Elections funding for direct campaign purposes only and was required to return all such funding that was not needed for direct campaign purposes, knowingly spent \$2,472.65 of Clean Elections funding for other purposes, as indicated in Count 5, above.

In violation of A.R.S. §§13-1802(A)(2), 13-702, 13-301, 13-302, 13-303 and 13-304.

TERRY GODDARD  
Attorney General  
State of Arizona

15/  
E. G. NOYES, JR.  
Assistant Attorney General

15/  
("True Bill")

7-14-04  
Date

15/  
FOREPERSON OF THE GRAND JURY